

1                                   **WAGANAKISING ODAWAK STATUTE # 2018-\_\_\_\_\_**  
2                                   **AMENDMENT TO WAGANAKISING ODAWAK STATUTE # 2008-011**  
3                                   **FAIR EMPLOYMENT**  
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6 **SECTION I. REPEALS AND REPLACES**  
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8 **A. REPEAL.**  
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10                   **SECTION V. REMEDIES BEFORE THE TRIBAL COURT FOR**  
11 **VIOLATIONS BY THE EMPLOYER**  
12

13           2.     c.     The total sum of compensatory, punitive damages and/or fines may not  
14 exceed \$50,000, excluding the amount for actual loss of wages.  
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16                   **SECTION VI. REMEDIES BEFORE THE TRIBAL COURT FOR**  
17 **VIOLATIONS BY AN INDIVIDUAL EMPLOYEE OR MANAGER**  
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19           2.     c.     The total sum of punitive damages and/or fines may not exceed \$50,000,  
20 excluding the amount for actual loss of wages from each individual employee and/or  
21 manager.  
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23                   **SECTION VII. REMEDIES BEFORE THE TRIBAL COURT FOR**  
24 **VIOLATIONS BY THIRD PARTIES**  
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26           2.     c.     The total sum of punitive damages and/or fines may not exceed \$50,000,  
27 excluding the amount for actual loss of wages from each individual third party.  
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30 **B. REPLACE.**  
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32                   **SECTION V. REMEDIES BEFORE THE TRIBAL COURT FOR**  
33 **VIOLATIONS BY THE EMPLOYER**  
34

1           **2.     c.**     The total sum of compensatory, punitive damages and/or fines may not  
2 exceed:

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- 5           i.       \$50,000 if the respondent has more than 14 and fewer than 101 employees  
6                in each of 20 or more calendar weeks in the current or preceding calendar  
7                year;
  - 8           ii.      \$100,000 if the respondent has more than 100 and fewer than 201  
9                employees in each of 20 or more calendar weeks in the current or  
10               preceding calendar year;
  - 11          iii.     \$200,000 if the respondent has more than 200 and fewer than 501  
12               employees in each of 20 or more calendar weeks in the current or  
13               preceding calendar year;
  - 14          iv.     \$300,000 if the respondent has more than 500 employees in each of 20 or  
15               more calendar weeks in the current or preceding calendar year.
- 16  
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18           **SECTION VI.        REMEDIES   BEFORE   THE   TRIBAL   COURT   FOR**  
19           **VIOLATIONS BY AN INDIVIDUAL EMPLOYEE OR MANAGER**

20  
21           **2.     c.**     The total sum of compensatory, punitive damages and/or fines may not  
22 exceed:

- 23
- 24           i.       \$50,000 if the respondent has more than 14 and fewer than 101 employees  
25                in each of 20 or more calendar weeks in the current or preceding calendar  
26                year;
  - 27           ii.      \$100,000 if the respondent has more than 100 and fewer than 201  
28                employees in each of 20 or more calendar weeks in the current or  
29                preceding calendar year;
  - 30          iii.     \$200,000 if the respondent has more than 200 and fewer than 501  
31                employees in each of 20 or more calendar weeks in the current or  
32                preceding calendar year;
  - 33          iv.     \$300,000 if the respondent has more than 500 employees in each of 20 or  
34                more calendar weeks in the current or preceding calendar year.
- 35

1           **SECTION VII.       REMEDIES   BEFORE   THE   TRIBAL   COURT   FOR**  
2           **VIOLATIONS BY THIRD PARTIES**

3  
4           **2.       c.**       The total sum of compensatory, punitive damages and/or fines may not  
5           exceed:

- 6  
7                   i.       \$50,000 if the respondent has more than 14 and fewer than 101 employees  
8                   in each of 20 or more calendar weeks in the current or preceding calendar  
9                   year;  
10                  ii.       \$100,000 if the respondent has more than 100 and fewer than 201  
11                   employees in each of 20 or more calendar weeks in the current or  
12                   preceding calendar year;  
13                  iii.       \$200,000 if the respondent has more than 200 and fewer than 501  
14                   employees in each of 20 or more calendar weeks in the current or  
15                   preceding calendar year;  
16                  iv.       \$300,000 if the respondent has more than 500 employees in each of 20 or  
17                   more calendar weeks in the current or preceding calendar year.

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19           **SECTION II.   EFFECTIVE DATE**

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21           Effective upon signature of the Executive or thirty (30) days from Tribal Council  
22           approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal  
23           Council override of the veto.  
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**CERTIFICATION**

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on July 28, 2018 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Bernard	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
David Harrington	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Dexter McNamara	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Emily Proctor	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Julie Shananaquet	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Shanna Wemigwase	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Marcella Reyes	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Tamara Kiogima	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Fred Harrington, Jr.	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

Date: 07/31/18  
\_\_\_\_\_  
Fred Harrington, Jr., Legislative Leader

Date: 07/31/18  
\_\_\_\_\_  
Tamara Kiogima, Tribal Secretary

Received by the Executive Office on 07/31/18 by \_\_\_\_\_

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Regina Gasco Bentley, Tribal Chairperson